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RETURN TO TAJIKISTAN
Continued Regional and Ethnic Tensions

INTRODUCTION

Two years after a bloody and devastating civil war, the human rights situation in Tajikistan remains precarious. Since the spring of 1993, refugees and internally displaced persons have returned to their villages in the southern province of Khatlon, from which the largest number of people were displaced following the war. However, hundreds of thousands of others who fled the fighting, destruction and persecution are still scattered in Northern Afghanistan, the Commonwealth of Independent States and throughout Tajikistan itself. Moreover, while the sheer volume of human rights abuses dropped dramatically in 1994, returnees in certain regions remain highly fearful and continue to be victims of harassment, threats, beating and even murder. The reintegration process has also been hampered by the fact that thousands of those who returned have now spent two winters without adequate shelter.

The safety of returnees varies from region to region and is usually determined by a combination of three factors: the composition of the local government, the ethnic and regional makeup of the region and the presence of international organizations. In certain areas, such as the city of Kurgan Teppe and the Bokhtar and Vakhsh districts, local and central government security forces continue to engage in serious human rights violations, including harassment, illegal detentions and beatings. The government has failed to investigate or take measures to counter discrimination and attacks by armed, pro-government civilians against returning refugees and internally displaced persons. This has created an environment of fear and impunity, beneath a superficial calm. In other regions, such as the Jilikul, Kabodian and Shahrtuz districts, the human rights situation is somewhat better; while violations occur, they are not commonplace and returning refugees and internally displaced persons in these areas are more concerned with rebuilding their homes and surviving the nation's crippling economic crisis.

Most of the tension in Tajikistan continues to be fueled by regional differences and the fact that the government is dominated by a single group - the Kulabis (see below). At the same time, however, tensions between Tajiks and ethnic Uzbeks, as well as between Tajiks and Afghan refugees, have mounted in certain regions of the country, creating yet another obstacle to stability. Unless the government addresses the abuses of human rights by its own security forces and takes steps to investigate and hold accountable both officials and ordinary citizens responsible for attacks against returnees and others, instability and bloodshed will continue in Tajikistan.

In April 1994, Human Rights Watch/Helsinki opened an office in Dushanbe, the capital of Tajikistan, in order to monitor and report on human rights violations on a continual basis. This report reflects research and testimony gathered over an eight month period. During this time, our Tajikistan representative travelled regularly to Khatlon oblast and met with hundreds of recently returned refugees and internally displaced persons. In addition, in both Khatlon and in

Dushanbe, she met with representatives (at both the local and national levels) of the procuracy, the ministries of security and internal affairs, the police and the judiciary. Our representative regularly raised human rights violations during these meetings, seeking information and action on specific cases.

BACKGROUND

Tajikistan, now a member of the Commonwealth of Independent States (CIS), declared its independence from the USSR on September 9, 1991. It became a member of the Conference on Security and Cooperation in Europe (renamed Organization on Security and Cooperation in Europe in 1994) in January 1992, and of the United Nations in March of the same year. Tajikistan covers a mostly mountainous land mass of 143,100 square kilometers, bordering China, Uzbekistan, Kyrgyzstan and, significantly, Afghanistan, with which it shares a border of more than 1,000 kilometers. According to the 1989 USSR census, the last census to be taken in the country, Tajikistan's population was 5.1 million. Of those counted, about 61 percent (3.2 million) identified themselves as Tajik, 23.5 percent (1.2 million) as Uzbek, and7.6 percent (388,000) as Russian. New studies estimate the country's current population at 5.7 million.1 Tajik, the state language of Tajikistan since 1989, belongs to the western Iranian language group and is similar to the Persian spoken in Iran. Most Tajiks are Sunni Muslims, with the exception of Pamiris (see below), who are Ismaili Muslims.

Tajikistan's five regions are distinct from each other in terms of topography, economic development, culture, and - in certain cases - in terms of religion, ethnicity and language. They play a critical role in internal politics and were crucial in determining loyalty in the civil war. Perhaps the most distinct region ethnically is Gorno Badakhshan, located southeast of Dushanbe, the capital of Tajikistan. Set in the Pamir mountain range, the Gorno Badakhshan Autonomous *oblast*2 is the least developed economically. Its inhabitants practice a different form of Islam than that practiced by other Tajiks, speak at least six different dialects of eastern Iranian that are related to Tajik, and are thought to consider themselves as Pamiris, as distinct from Tajiks. The Gharm valley, northeast of Dushanbe, is a mainly agricultural, mountainous region whose population is known for being among the most religious in Tajikistan. Khojand (formerly Leninabad oblast) to the north, and Hissar, to the west of Dushanbe, are the most developed economically and have significant Uzbek communities. Khojand was known as the source of traditional Communist Party elites.

To the south are the former Kulab and Kurgan Teppe oblasts, now joined together into the Khatlon oblast. The current government is dominated by people from Kulab, a region of mixed topography and economy, or of Kulab origins. Kurgan Teppe, previously desert land, was irrigated for growing cotton and other crops in the 1940s and 1950s. The area was populated mostly through Stalin's policy of forced migration, under which a significant portion of Kurgan Teppe's population was moved from Gharm and Gorno Badakhshan.

THE CIVIL WAR

The civil war in Tajikistan began in May 1992 and lasted a mere six months. During this short period, it claimed at least 20,000 lives, caused the displacement of at least 800,000 persons, and fundamentally transformed the newly-independent nation. The civil war was triggered by a power struggle between the communist-led government and an emerging political opposition during the late 1980s. The political opposition, which contested the *nomenklatura's* continued rule, consisted of a coalition of democratic, nationalist, cultural revivalist and Islamist parties and movements. It drew support primarily from people whose origins were from the mountainous districts of Gharm (hereinafter Gharmis) and Gorno Badakhshan or Pamir (hereinafter Pamiris). The government was supported by the old-guard communist elite from the Leninabad region in the north and by people from the southern region of Kulab (hereinafter Kulabis). The two sides were pitted against each other in a November 1991 presidential election that was ultimately won by Rahman Nabiev, a former communist leader, amid allegations of election-rigging by the opposition.

Beginning in March 1992, tensions between opponents and supporters of the Nabiev government erupted into large-

scale demonstrations and violent clashes in the capital city of Dushanbe. The violence soon spread south, to the Kulab and Kurgan Teppe provinces (since joined and renamed Khatlon oblast). In an effort at compromise, a coalition government was formed on May 7, 1992. Heavily armed bands continued to fight each other, however, and the violence soon escalated into full-scale civil war. Fighting on behalf of the government were local armed bands, led by a Kulab-based paramilitary force known as the "National Guard" (later succeeded by the "Popular Front"). These groups rushedto the support of the Kulabi population of Kurgan Teppe, where they were assisted by local Arabs3 and ethnic Uzbeks4, against pro-opposition paramilitary forces.

During the course of the fighting, both sides committed atrocities, including murder, disappearances, hostage-taking, and burning and looting of homes. In June and July 1992, thousands of Kulabis and Uzbeks temporarily fled what is now Khatlon oblast, taking refuge in Kulab and Uzbekistan, respectively.5 Once they had fled, many of their homes were burned and looted. By August, however, the Popular Front and its supporters had gained control of most of the province, and forced out hundreds of thousands of Gharmis and Pamiris, most of whom were perceived to have supported the opposition. The empty villages left behind were subsequently systematically burned and looted.

On September 7, 1992, President Nabiev was forced to resign at gunpoint by a faction loosely identified with the opposition. By November, the coalition government had crumbled; first, members of the old communist elite and, later, the opposition, resigned from the coalition. On December 2, 1992, the Supreme Soviet (or parliament) of Tajikistan met with the stated objective of creating a government of national reconciliation. Instead, it elected a government dominated by Kulabis and the former Communist Party old guard, headed by Emomali Rahmonov, a Kulabi.

Most remaining leaders and active members of the various opposition movements fled the country at that point and currently live in exile in Russia, Afghanistan, Iran and elsewhere. However, armed factions of the opposition located in Afghanistan have been involved in regular skirmishes with approximately 17,000 Russian border guards assigned to protect the Tajik-Afghan border. The Russian military presence in Tajikistan predates the civil war and, in addition to the border guards, another 7,000 troops of the Motorized Rifle Division made up the majority of a CIS peacekeeping force in Tajikistan in 1994.

Since April 1994, the government and the opposition have been engaged in United Nations-sponsored peace negotiations and an agreement on cessation of hostilities was signed on September 17, 1994. On November 6, 1994, Rahmonov was elected president of the Republic in a nationwide election marred by fear and flagrant fraud.6

RECOMMENDATIONS

Recommendations to the Government of Tajikistan

· Conduct thorough investigations of attacks and threats against returning refugees, internally displaced persons and Afghan refugees and punish the perpetrators of such crimes as required under both Tajik and international law;

· Protect returnees and internally displaced persons who report attacks, threats, occupation of homes and other problems;

· Investigate reports of illegal detentions, abuse during detention and other human rights violations by members of the security forces and local and central government officials and punish, in accordance with the law, individuals found guilty of such violations;

· Ensure the return of all illegally occupied property and punish those who refuse to return such property, as required by Tajik law;

· Provide compensation for property that was destroyed during the civil war and in its immediate aftermath and intervene to stop discrimination against returnees and internally displaced persons who seek to regain their previous jobs;

· Investigate and punish individuals who make refugees and internally displaced persons serve as forced laborers or who confiscate goods intended as humanitarian assistance;

· Ensure that food and other assistance is provided to returnees and internally displaced persons not only in Dushanbe and Khatlon oblast, but also in more remote areas such as Tawildara district.

Recommendations to the Tajik opposition and its Supporters

· Stop the use of threats and violence to prevent or discourage the voluntary repatriation of refugees.

REFUGEES

The conflict in Tajikistan resulted in the flight of hundreds of thousands of persons from Tajikistan, most of them to northern Afghanistan and the countries of the Commonwealth of Independent States (CIS). Statistics are unreliable, with the government7 and the opposition providing different and often vastly contradictory figures. Even estimates by international organizations are imprecise, as no systematic counting of refugees has taken place in the CIS and the United Nations High Commissioner for Refugees (UNHCR) only has access to Tajik refugees in one region of northern Afghanistan (see below.)

Following the first round of United Nations-sponsored peace negotiations, in April 1994, a joint refugee commission was set up in order to look into "the problems relating to refugees and internally displaced persons" from Tajikistan. The Joint Refugee Commission, which had met twice by the end of 1994, consists of members of the government and the opposition and is chaired by a representative of the United Nations. One of its objectives is to determine the number and location of Tajik refugees.

One difficulty in assessing the number of refugees in the CIS is that many individuals who sought refuge in Russia and other countries never registered as refugees with their host country.8 Moreover, ethnic Russians and other, non-Tajik national, religious or ethnic groups (such as Germans and Jews) are often included in estimates of "Tajik refugees." Many of these individuals fled to the CIS, particularly Russia, in order to escape the general economic and political instabilityin Tajikistan, a trend that had started in the late 1980s,9 and would not necessarily return to Tajikistan even if the conflict were to end.

However, the hundreds of thousands of ethnic Tajiks who fled their villages and resettled in northern Afghanistan or in other parts of Tajikistan (see below) did so due out of fear. In some cases, this fear was based on past support for the opposition or participation in the war. This includes the *vovchiki* (pro-opposition fighters), mostly young men who remain in hiding in Afghanistan or in the Gorno Badakhshan district of Tajikistan, as well as opposition leaders and activists living in exile in Moscow, Afghanistan, Iran and other countries. Thousands of others, however, were associated with the opposition simply by virtue of their ethnicity or regional origin.

Approximately 60,000 of the Tajiks who crossed the border into northern Afghanistan sought the assistance of the UNHCR. The UNHCR estimates that another 30,000 persons initially fled to Afghanistan but never registered with the UNHCR. Many of these have since repatriated on their own, through Gorno Badakhshan or through the border district of Panj. Beginning in March 1993, the UNHCR began assisting in the voluntary repatriation of refugees from the Kunduz area of northern Afghanistan.10 Two months later, the UNHCR began to repatriate refugees from Camp Sakhi,

which it operates in the city of Mazar-e-Sharif in northern Afghanistan.

As of December 1, 1994, the UNHCR had assisted in the repatriation of nearly 26,500 refugees from Afghanistan. According to Pierre François Pirlot, Chief of Mission of the UNHCR in Tajikistan, fewer than 7,000 registered refugees currently remain in Camp Sakhi and an estimated 14,000 remain in Kunduz. Mr. Pirlot further estimates that as many as 14,000 additional refugees, including many who were never registered with the UNHCR, have repatriated on their own.11 The opposition, for its part, estimates that over 126,000 Tajik refugees remain in Afghanistan, 37,040 of whom are in Kunduz.12

INTERNALLY DISPLACED PERSONS

The conflict not only caused the flight of tens of thousands of refugees, but also led to the internal displacement of an estimated 500,000 - 700,000 Tajiks within the country. Many fled to their regions of origin; in the case of Gharmis, to the Gharm valley or the capital city of Dushanbe and in the case of Pamiris, to the mountainous district of Gorno Badakhshan. According to both the government and the UNHCR, approximately 93 percent of internally displacedpersons have since returned to their villages of origin. Of the remainder, the largest group, or approximately 16,00013, remain in Gorno Badakhshan.14

While the UNHCR's official mandate includes only refugees, it has been expanded in Tajikistan and other countries15 to cover internally displaced persons in areas where both groups fled their villages for the same reasons. The UNHCR makes arrangements for and covers transportation costs for refugees returning from Afghanistan to Tajikistan and provides them with a three-month supply of food upon repatriation. The transportation expenses of internally displaced persons are covered by the government, although the UNHCR occasionally provides assistance such as gasoline. According to a mutual agreement in early 1993, the International Committee of the Red Cross (ICRC) would provide initial assistance to internally displaced persons until they returned to their villages, at which point the UNHCR would take over. The UNHCR does not distinguish between returning refugees and internally displaced persons in providing assistance. For example, in "damaged" or "war affected" villages, all returning individuals receive building materials and regular distributions of food and soap.

Because a high number of internally displaced persons remaining in Gorno Badakhshan wanted to return to their homes in Dushanbe or in Khatlon oblast, the UNHCR decided, in 1994, to arrange convoys for their return. The ICRC agreed to set up an overnight transit center and arrange for food during the journey through the mountains. However, due to poor weather conditions, the mountainous road was closed for most of the year. During the spring and summer of 1994, a combination of armed clashes and full-scale combat in the region between Gorno Badakhshan and Gharm made use of the roads dangerous. By September 1994, fighting had destroyed part of the road and a few weeks later, weather conditions once again made travel impossible. The only alternate route, consisting of a four-day journey through Kyrgyzstan and Uzbekistan, presents logistical and political problems, including the need for official permission from both Uzbek and Kyrgyz authorities. Thus, the internally displaced persons in Gorno Badakhshan had to resign themselves to spending yet another winter away from home.

DISCOURAGEMENT OF VOLUNTARY REPATRIATION

In order to provide information to refugees who remain skeptical about their safety in Tajikistan, the UNHCR arranged for at least ten delegations of refugees to visit their villages in Tajikistan and assess the situation for themselves. In addition, the UNHCR has been delivering letters and providing radio communication between returnees in Tajikistan and their relatives remaining in Afghanistan since the summer of 1993, in order to increase the availability of reliable, first-hand information about the situation in specific villages.

This information made it possible for many Tajik refugees to make an informed decision about repatriation. Nevertheless, returning refugees report that members and supporters of certain factions of the opposition based in Afghanistan have continuously discouraged or sought to prevent refugees from voluntarily repatriating to their homeland. Returnees from Kunduz told Human Rights Watch/Helsinki that they continued to be told that "men are being killed and women are being raped" when they return to Tajikistan.16 Any report of a security violation or killing in Tajikistan, broadcast by the BBC or Radio Liberty, is used as evidence that "there is still terror and war in Tajikistan." Moreover,refugees have been inaccurately informed that people are starving throughout the country. However, because warring Afghan factions are involved in their own bloody war in northern Afghanistan, the area has been far from a safe haven for Tajik refugees. Following one particular series of raids on Kunduz in June 1994, in which at least ten Tajik refugees were killed, frightened refugees decided, in the words of one middle-aged Tajik woman, that "it would be better to die in our own motherland."17

Whether due to the deterioration of the security situation in Kunduz or for other reasons, returnees reported that pressure not to repatriate from Kunduz diminished by the summer of 1994. Other barriers to repatriation remained, however. At the end of July 1994, a conflict arose between Uzbek and Afghan officials over operation of the Uzbek-owned barge that transports refugees across the river from Sher Khan Bandar, Afghanistan, to Tajikistan. By August 17, repatriation from Sher Khan Bandar had to be stopped altogether due to a failure to resolve this conflict.18 Repatriation from Sher Khan Bandar had also been occasionally interrupted during the spring of 1994, when armed clashes between Russian border guards and the armed opposition led to the sealing off of the Afghan-Tajik border.19

Even as political pressure on refugees in Kunduz decreased, however, returnees from Camp Sakhi reported continued pressure, from the opposition and its supporters, not to repatriate to Tajikistan. Returnees arriving in the Tajik city of Shahrtuz on June 29 told Human Rights Watch/Helsinki that they had been receiving letters for many months describing the situation in their villages as safe and encouraging them to return. Nevertheless, they were told by Tajiks associated with the opposition, who occasionally organized meetings in the camp for this purpose, that "our relatives were being forced to write these letters out of fear, and that returnees are actually getting killed." Refugees also reported that letters written to them by relatives would sometimes "mysteriously disappear." In addition, they reported cases where "fake" letters were received from relatives, in the wrong handwriting, telling them that the situation in Tajikistan was dangerous and that they should remain in Afghanistan.

Even more disturbing were reports of the fear that spread in Camp Sakhi after "certain" Tajiks in the camp threatened and beat camp residents, either for registering to return to Tajikistan or for encouraging others to leave. One man told Human Rights Watch/Helsinki: "We have a very big family so we felt safe - there were so many of us in Afghanistan that we knew we could protect each other." But many reported that they were afraid when repatriating. Human Rights Watch/Helsinki was told of at least five cases where individuals who had registered for repatriation were allegedly beaten up.

In addition, on June 29, a mine was placed on a bus carrying refugees from Camp Sakhi to the Afghan port of Hairatan, where they were to board trains for Tajikistan. The mine was spotted by UNHCR field officers and removed before it caused any injuries or damage. However, returnees told Human Rights Watch/Helsinki that they were afraid that such incidents would only further discourage those remaining in Afghanistan from repatriating.

The following sentiment by a young man was repeatedly echoed by returnees. "There are certain Tajiks in Afghanistan whose lives would be in danger if they were to return to Tajikistan, because of the role they played in the civil war. These people are afraid that if the majority of refugees returns to Tajikistan, those remaining will be so few in number that United Nations [High Commissioner for Refugees] and other international assistance will disappear. So theyspread false information that scares people, and keeps them in Afghanistan." Others cited political reasons, claiming that it would be "bad propaganda" for the opposition if all Tajik refugees were suddenly to return and live safely in Tajikistan.

Parallel to the pressures against repatriation from opposition figures run reports by returnees from Camp Sakhi that the UNHCR has pressured them to repatriate. Returnees state, for example, that their food rations were reduced by twenty percent in May and June 1993, and that rations were often received late during the preceding months. Moreover, they claim that those repatriating received one hundred percent of the next three months' ration in advance, while the ration for refugees who remained behind was cut a further ten percent. Finally, most returnees report being told by UNHCR officers in Camp Sakhi during the summer that "the UNHCR was going to continue to supply food until the fall, but that we would be on our own after that."20

According to the UNHCR, however, food distribution to individuals has been neither halted nor reduced. Rather, the UNHCR reduced, during the summer of 1994, the overall amount of food distributed, after reassessing the number of refugees actually living in Camp Sakhi. Because many refugees had inflated figures for the number of members in their family, the UNHCR had to make a 20 percent readjustment in the overall quantity of food provided to the camp. Accordingly, although the amount of food received per family was reduced, each individual's ration was not affected.21

The UNHCR agrees, however, that its current policy is to make Tajik refugees realize that the time has come to choose between returning to Tajikistan, where the UNHCR believes the situation is safe enough to permit repatriation, or to settle permanently in Afghanistan. Those who choose to resettle in Afghanistan cease to receive assistance from the UNHCR after an initial "assistance in local settlement." The purpose behind this policy is to prevent the creation of a "permanent" refugee population.

Human Rights Watch/Helsinki supports the voluntary repatriation of refugees to Tajikistan, on the basis of unbiased information and in the absence of intimidation or pressure either to repatriate or to remain in Afghanistan. Although we recognize that the current security situation in Tajikistan is far from perfect (see below), we believe that it is safe to return to many regions, and that the mechanisms put in place by the UNHCR enable refugees to make informed decisions.

SAFETY OF RETURNEES

Abuse of Returnees

One of the foremost questions surrounding the return of Tajik refugees and internally displaced persons is whether it is actually safe for them to return to their villages. The UNHCR believes that, while regional and ethnically-related incidents still occur, conditions in Tajikistan have been generally conducive to repatriation since the spring of 1993. From April to December 1994, the Human Rights Watch/Helsinki representative based in Tajikistan made regular visits to Khatlon oblast to monitor the reintegration and safety of refugees and internally displaced persons in their former communities. We found that the safety of returnees in each district varied depending upon who the local authorities were, the regional and ethnic composition of the district and the presence of international organizations. In many instances, government forces were directly implicated in security incidents (see below.) In other cases, however, we found a failure on the part of the government to investigate abuses by ordinary citizens, enforce the criminal laws in a non-discriminatory manner and take preventive measures.

Human Rights Watch/Helsinki learned of at least fourteen returnees and internally displaced persons who were killed in Khatlon oblast in 1994 (see below.) Moreover, harassment and beatings, often resulting in serious injuries, weredisturbingly common. Many families were too frightened to report such incidents to the authorities or to international organizations. In most cases, victims simply fled their villages again, taking refuge with relatives in other regions of Tajikistan. One woman in Bokhtar told Human Rights Watch/Helsinki that, only four days after her son had returned to the region, armed local men broke into their home and seriously beat her son. He fled the next morning. A neighbor told Human Rights Watch/Helsinki that her son had also fled to Dushanbe due to a similar incident that

occurred five months after his return to the village.22

In certain districts, such as Kumsangir, Panj, Shahrtuz, Kabodian and Jilikul, harassment, beatings and murders of returning refugees and internally displaced persons were relatively infrequent during the past year. With the exception of isolated incidents, these returnees report that their primary concerns are economic and involve the rebuilding of their homes, rather than personal safety or regional tensions. This can be attributed to the fact that the Kulabis exercise less power in local government in these district. These districts can also be distinguished by the longstanding presence of the UNHCR.

In other areas, however, such as the city of Kurgan Teppe and the Bokhtar and Vakhsh districts, most of the young male population has not yet returned. Those who have returned fear deeply for their personal safety and rarely leave their homes or collective farms (*kolkhozes*); this isolation, in turn, makes it more difficult to assess the real threats to their physical safety. Their fears are based upon a widespread belief (or, at times, perception by returnees that such a belief exists) among local Kulabis that anyone who fled the region must have been a part of the opposition and is therefore suspect upon return. One man told Human Rights Watch/Helsinki, "Nothing has happened to me since I returned four months ago, but that is because I have not left the village once. I know that the Kulabis assume that I was a fighter, simply because I fled to Afghanistan. I can't take the risk of walking around Kurgan Teppe [city] because I am afraid they will beat me up - or maybe something worse."23 Women in this region are less afraid, and most have been leaving their villages regularly during the past year in order to sell their goods in the bazaar.

A series of brutal incidents, some with fatal consequences, illustrates the lack of law and order that still prevails in parts of Khatlon oblast. On June 4, 1994, for example, three men entered several homes in a village in Kolkhoz24 Faizali Saidov in the Bokhtar district, stabbing two woman to death and injuring several others, including an elderly man. A woman who was injured in this attack told Human Rights Watch/Helsinki, "They were armed, but they did not use their arms. They were shouting at us that we were *vovchiki* (opposition fighters). The police came around afterwards; they asked questions and said that these people had just been drunk. But they were not drunk - it was only 4 p.m."25 A similar incident took place at the same Kolkhoz less than two months later, on July 27. The widow of a 64-year-old man who was beaten to death a year after they had returned to Tajikistan told Human Rights Watch/Helsinki:

He had complained that men are being harassed and are afraid - that this is why the male refugees are not returning to Bokhtar. He was an old man; he thought it was safe for him to talk. But two men - I don't know if they were armed - came to our house and took him at around 5 p.m. They beat him so hard that his head split. The neighbors brought him back half-alive and he died right here. They went to four other houses on the same day, killing one other woman, stabbing and beating two women. Everyone knows who did it; the police came asking questions and we told them everything, but those two men are still seen roaming around our kolkhoz. Of course, everyone is very scared when they see them.26

According to the procurator27 of Khatlon oblast, the procuracy knows who the two suspects are but has been unable to find them.28 However, Human Rights Watch/Helsinki has received testimony indicating that the suspects, who were reportedly young Kulabi men who wanted to teach the elderly man "a lesson," could be easily apprehended through more diligent pursuit and investigation.

In April 1994, an elderly Gharmi internally displaced person was killed in Bokhtar. By December 1994, the case was still undergoing investigation and no arrests had been made. In another incident on June 8, 1994, two Gharmis were shot at Kolkhoz Faizali Saidov in Jilikul by men in a car. One, who had returned to the region only one week before, died, while the other was hospitalized with serious injuries.

A young internally displaced person who had returned to Bokhtar in the summer of 1994 was killed on November 25,

1994. The murder took place during the course of an armed robbery, and there is no evidence that he was targeted due to his regional origin. Nevertheless, there has been a disturbing trend of break-ins and robberies in the homes of the displaced in Bokhtar district. Although the motivations may be purely criminal, the fact that cases where internally displaced persons and returnees are victims are poorly investigated may have made them more attractive targets.

Beating and harassment are more common than murders and robberies. A woman from Kolkhoz Haghighat in Vakhsh district told Human Rights Watch/Helsinki that, although women are relatively safe now, even young boys are in danger:

My [fifteen-year-old] son came to the bazaar with me and he was beaten up by some local Kulabis. A policeman saw what happened and all he said was that I shouldn't have brought my son to Kurgan Teppe. He did nothing to stop them or punish them.29

Although women in Kurgan Teppe tend to feel safer than men, female returnees and internally displaced persons in Kurgan Teppe report that local Kulabis have pressured and threatened them against selling their goods in the city's central bazaar. As a result, unofficial "sidewalk" bazaars have cropped up in various parts of the city.

A woman from Kolkhoz Davron Nuridinnova in Bokhtar told Human Rights Watch/Helsinki:

One night during the last week of August, four armed men broke into our house. My husband has not yet returned from Afghanistan, but they searched the whole house. They said they'd kill him if they found him. Then they beat my elderly father because he was the only man they found in the house. They have threatened my neighbors too, whose husbands have not returned.30

In another incident, on May 18, 1994, one armed Kulabi beat ten men, some of them elderly, at Kolkhoz Haghighat.31 No arrests were made.

The local staff of international organizations have also been threatened and attacked. In February 1994, for example, a local staff member of Medecins sans Frontières/Belgium was murdered by uniformed men while in a car bearing the organization's name and logo. (See below) On November 25, 1994, two UNHCR drivers transporting gasoline from Uzbekistan to the Tajik city of Shahrtuz were stopped at a checkpoint in Khatlon oblast and ordered by the senior police officer to give them gasoline. When they refused, they were subjected to verbal abuse, accused of helping the vovchiki and were subsequently beaten. By mid-December, the matter was still under investigation by central government authorities. Another international organization operating in Khatlon reported that its staff was threatened by local Kulabis for "helping Gharmis" and told that the homes that were being rebuilt for Gharmis would be burned down again. In one instance, a local staff member of an international non-governmental organization (NGO) was threatened and beaten by Kulabi soldiers for "helping vovchiki."32

Direct Government Involvement in Abuses

Government officials and security forces have also been directly involved in human rights violations. When the civil war ended in December 1992, various armed, pro-government paramilitary groups33 continued to attack with impunity Gharmis and Pamiris throughout the country. Many members of these groups were eventually incorporated into the forces of the police and ministries of security and internal affairs. Despite the past brutality of these paramilitary groups, their incorporation into official law enforcement organs was seen by some as a positive development, since they would now be subjected to greater discipline and accountability. Yet in countless instances, the new, official status of these forces has served only to legitimize human rights abuses such as beatings and harassment. In several cases, former paramilitary leaders have been appointed to prominent positions, which they have used to terrorize the returnee

population.

In Jilikul, for example, Khoja Karimov, who had been a prominent member of the Popular Front and maintained ties to the local government, was responsible for a series of serious incidents in March 1994. On March 20, Karimov led a group of thirty armed men into the local bazaar, where they harassed residents and beat up the chief of police (an Uzbek) and a young boy. Shortly thereafter, they invaded a New Year's celebration attended mostly by returnees, where they began shooting in the air and beating up individuals at random. They also threatened to set fire to the house of the head of the local executive committee, also an Uzbek, if he did not vacate his position. The chief of police was replaced by a Kulabi a few days later, and the head of the executive committee subsequently resigned his position.34

Karimov's men also harassed and terrorized residents of "Shahr-e Now," an area inhabited primarily by returnees and internally displaced persons. On several occasions in February and March, armed men entered the district's cattle farm, shooting in the air and demanding cattle. Attacks and threats against the director caused him to go into hiding for several weeks.35

As a result of these incidents, terror reigned among returnees in the region. Nevertheless, the government took no steps either to investigate or prevent further incidents. Finally, in response to very strong pressure from the UNHCR and the United States embassy in Dushanbe, the central government removed Karimov from the district. Soon thereafter, however, he became associated with the regional government.

In another incident that began on January 21, 1994, in Kabodian, ten armed Kulabi soldiers occupied a school building, which was being used by the UNHCR as a transit center for returnees from Afghanistan, in Bolshevik village. According to their commander, the Ministry of Security had sent the soldiers to the area to build a military center to secure the Afghan border. This order had been approved by the Chairman of the Supreme Soviet and the ministers of labor and defense, but local authorities had not been consulted.

The presence of the soldiers in the transit center had a destabilizing effect on the region, because a similar presence during the previous year had involved serious harassment and threats against local residents and officials, the majority of whom are ethnic Arabs and Uzbeks. Despite pleas by both the UNHCR and local officials, however, regional and central government authorities kept the soldiers there. Tensions mounted over the presence of the soldiers. On July 7 two of the soldiers beat two refugee brothers - one of whom had repatriated from Afghanistan that very night - and confiscated sacks of rice and flour that the brothers had received from the UNHCR. The UNHCR complained to the central government in Dushanbe and threatened to halt repatriation. Following enormous pressure from the UNHCR, the government arrested one soldier and moved the forces out of the transit center.

In May 1994, the head of Kolkhoz Haghighat in Vakhsh, a local Kulabi who had reportedly been sympathetic to the plight of returning refugees, was beaten by the chief of police, a Kulabi. The victim was hospitalized for his injuries and, following intervention by international organizations, the head of the police was subsequently replaced.

Government Response to Abuses

One of the greatest problems facing the returnee population is the failure of the government adequately to investigate murders, beatings, harassment or other security incidents. While their number declined significantly in 1994, severe security problems remain and are the source of widespread fear among the refugee population in certain areas. There is a disturbing tendency on the part of authorities to dismiss every incident, even those in which regular government forces are directly implicated, as "isolated," or the result of drunkenness or "hooliganism."

Based on interviews with residents of villages throughout Khatlon oblast, Human Rights Watch/Helsinki found that, in

Kurgan Teppe, Bokhtar and Vakhsh, where Kulabis are in power, the fear of reprisal makes people far less likely to report incidents to local authorities or even to international organizations such as the UNHCR. In most instances, this fear is compounded by the feeling that very little would be gained by reporting a case.

Indeed, local officials deny or underestimate the degree to which returnees are targets of violence. For example, Babajan Babakhanov, the procurator of Khatlon oblast, told Human Rights Watch/Helsinki that only one returnee had been killed in the oblast in 1994. When presented with specific examples, however, such as the murders of two individuals in Kolkhoz Faizali Saidov on July 27, Babakhanov said that the perpetrators of the crime were drunk, adding that:

since the civil war, every incident is blamed on regional issues. There were such incidents before the war, and they will continue in the future, too. These things have nothing to do with regionality. I am sure that you agree that there are murders and mafia elements in all countries - the situation is not any worse here.36

When questioned about the government's failure to investigate security incidents adequately, particularly murders, or to take steps to enhance the safety of returnees, Mr. Babakhanov responded, "Certain circumstances must be present in order for government organs, such as the police, to perform their functions. As long as there is unrest on the border37, these organs have to attend to that unrest and cannot fulfill their duties. Now if the cease-fire is observed, things will change."38

Babakhanov's attempt to blame unrest at the border for the failure of Tajik authorities to respond to human rights violations in a responsible and adequate manner is not acceptable. Moreover, there is an inappropriate implication in his statement that the government is not motivated to respond adequately as long as such hostilities continue.

Contributing to the government's failure to make arrests in incidents involving returnees is the reluctance of victims and fearful witnesses to press charges and testify. Two examples illustrate this problem. In February 1994, a recently-returned refugee who was working as a local staff member of Medecins sans Frontières/Belgium was killed by drunken, uniformed men. Although the government was initially slow and even reluctant to investigate the murder, it did finally take action, after pressure from international organizations. However, the witnesses to the murder were afraid to come forward and eventually fled Tajikistan.39 The government then justified its subsequent inaction by claiming that its hands were tied.40

In another incident in early January 1994, a Tajik returnee in a predominantly Uzbek village in Shahrtuz was badly beaten. Although the local police reportedly had suspects, the victim was afraid to press charges.41

On occasion, the government has responded to security incidents in which government officials were implicated by transferring the guilty official to a different district. This was the case with both Khoja Karimov (see above) and the chief of police of Vakhsh district. In both cases, the transfer took place in lieu of investigation or prosecution of the official involved.

Disarmament and Rounding Up of "Opposition Members" by the Government

The government often seeks to demonstrate its commitment to providing security for its citizens, including returnees, by pointing to the ongoing effort to disarm civilians. In fact, government officials have routinely committed human rights violations during the course of operations to disarm civilians, and such operations have been conducted with particular frequency and brutality in neighborhoods with a high concentration of Pamiris, Gharmis and Uzbeks, while members of other regional groups continue freely to bear arms..

Disarmament has proceeded on the basis of a series of decrees,42 each of which set a deadline for the voluntary surrender of illegally possessed arms and ammunition and provided for the confiscation of all illegal arms not turned in.43 The decrees further authorized the Ministry of Internal Affairs and the current Ministry of Security to use "special means and firearms without warning" to confiscate illegal arms that had not been voluntarily surrendered.44

In and around Dushanbe, nighttime raids are frequent, particularly in neighborhoods such as Yujhni, Ovoul and Dok, which are populated primarily by Pamiris and Gharmis. Most of the young men in these neighborhoods fled after the war, but have gradually returned. In the numerous raids described to Human Rights Watch/Helsinki, authorities from both the ministries of internal affairs and security reportedly never produced a warrant. Rather, they forcibly entered homes, sometimes in search of a particular individual but often at random, and searched for weapons and ammunition. These authorities frequently beat people during the course of searches. Those detained have often been beaten further in an effort to get them to confess to having arms.

On June 6, 1994, for example, two brothers were taken from their home in Ovoul at midnight by a dozen armed, uniformed men. According to their mother,

They were kept at the Ministry of Internal Affairs for three days. They beat both of them and burned [one of them]; I wish you could see the marks. They asked whether they had any arms or had helped the opposition. After my sons were released, they came looking for them about three or four more times, but they had already fled Dushanbe again. These men kept threatening to kill [the rest of the family] if my sons didn't return. They often come to this neighborhood at night and shoot in the streets, search homes, detain people.45

Another incident took place on August 24, 1994, when armed, uniformed officials of the Ministry of Security entered the Yujhni district at approximately 11:00 P.M. These men beat up a number of residents in the street, including women and elderly people, searched homes without presenting search warrants and detained eight individuals. Four were released later that night and two were released six days later. One individual, Ramazon Mirzoev, was detained for two and a half months and then sentenced to three years of hard labor for the illegal possession of arms. The eighth detainee, Islambek Dashtov, died during detention on August 26. The Deputy Minister of Internal Affairs informed Human Rights Watch/Helsinki that Mr. Dashtov had thrown himself out of a third-floor window.46 Since the August 24 roundup these raids have continued sporadically.

In another incident on September 6, 1994, a young couple was called out of their home in the Dok neighborhood by armed, uniformed men who asked the whereabouts of a neighbor. When the couple failed to respond, they were shot in front of their children, killing the man and disabling his wife.47

Such raids and rounding up of "suspects" are frequent enough that residents of these neighborhoods, particularly young men, are constantly worried about their safety.

REINTEGRATION OF REFUGEES AND INTERNALLY DISPLACED PERSONS

International Humanitarian Assistance

Since March 1993, the UNHCR has assisted Tajik refugees and internally displaced persons to return and reestablish themselves in their villages of origin. The UNHCR has concentrated its efforts on Khatlon oblast, in the south of Tajikistan, where fighting and damage during the civil war were most severe and from where most of the refugee population had fled. Citing a lack of resources, the government has extended only minimal assistance to returnees and internally displaced persons (see below). During the past year, this void has been filled by an increasing number of international and nongovernmental agencies that have set up operations in Tajikistan, providing assistance not only in

Khatlon oblast, but also in Dushanbe and in the Gharm and Gorno Badakhshan districts.

Tajikistan's severe economic crisis, in which salaries go unpaid (see section on forced labor, below) and medicine and food (particularly flour) are in short supply, has affected the population as a whole. As a result, many organizations have shifted their focus from returning refugees and internally displaced persons to all vulnerable groups. The nature of the assistance has also changed, in many instances, from emergency relief to technical assistance and longer-term development aid, including income generation projects, education, the training of health care workers and the building of infrastructure for water and sanitation systems.

The Government's Role in Repatriation and Reintegration

A July 5, 1992, presidential decree created the department of refugee affairs, a division of the ministry of labor. This department works closely with the UNHCR in matters related to refugees.

According to Hemat Davlatov, Deputy Minister of Labor and Director of the Department of Refugee Affairs, the government allocated three billion rubles (or 300,00048 rubles per family) in 1993 to the rebuilding of homes destroyed in the conflict. In addition, two billion rubles (or up to 20,00049 rubles per family) were allocated as compensation to each returning family of internally displaced persons or refugees. Mr. Davlatov told Human Rights Watch/Helsinki that the government had already extended 2,102,150,000 rubles in credit towards repair of damaged and destroyed homes and 969,400,000 in payments to families. In 1994, payments to resettled families ceased due to the economic crisis in the country, and the home repair payments were dropped in favor of credit towards the purchase of food at government stores.50

Part of the money allocated by the government was intended as compensation to individuals who had been forced to flee. Due to a lack of funds, however, no such payments have been made to date.51 According to Teymour Tabarov, deputy director of the department of refugee affairs, the government again intends to allocate an as-yet-unspecified sum for compensation to refugees and internally displaced persons in its 1995 budget.

Occupation of Homes

Almost two years after the end of the civil war, thousands of homes abandoned by fleeing refugees are still being occupied by others. This has been a serious impediment to the reintegration of refugees. As of December 1, the government estimated that, of the 8,92452 homes that were illegally occupied following the war, 2,847 homes have still not been returned to their owners. In fact, it is impossible to ascertain the precise number of homes that have been or are still being occupied; as is the case with physical abuses, many victims are afraid to report their cases to the authorities or to international organizations. According to the Procurator of Khatlon oblast, the problem of occupied homes has been resolved "virtually 100 percent" in all districts of Khatlon oblast except Bokhtar, Vakhsh and Kurgan Teppe.53 According to research by Human Rights Watch and other international organizations, however, several hundred homes are still being occupied outside of these three districts.

The return of occupied homes to their rightful owners is guaranteed by law in an April 7, 1994, decree providing criminal sanctions for failure to vacate an illegally occupied property.54 The attitude of local authorities can significantly affect the rate of release of occupied homes.

Local officials told Human Rights Watch/Helsinki that the majority of cases in Khatlon oblast are not taken to court, but settled privately between the parties, sometimes with the mediation of local authorities. According to the Procurator of the city of Kurgan Teppe, for example, only twenty-two cases of illegal occupation were brought to court in 1994, while more than fifty homes were freed following the intervention of the local executive committee or police, and more

than 260 houses were freed without any official intervention. Lidia Sharipova, the chair of the city court of Kurgan Teppe, further assured Human Rights Watch/Helsinki that every case brought to court in 1994 was resolved, but Human Rights Watch/Helsinki learned of several cases where the court had taken no action.

Moreover, in countless cases, homeowners are too frightened to register cases formally with local officials. One woman told Human Rights Watch/Helsinki: "I tried to take our case to court about a year ago. But the people who are occupying our house found out, and they beat me and threatened me. I am a widow and I am scared. I would rather continue to live with relatives, even if we are cramped, than to risk that again."55 The UNHCR, which has substantial records of occupied homes, says that it routinely hears of new cases, but owners beg the UNHCR not to bring up the issue with local authorities because they are afraid. The chair of the city court of Kurgan Teppe acknowledged this fear, but did not consider it a factor in evaluating the court's success in returning homes to their owners.

It's true that there are a lot of people who we cannot help because they are afraid to come to us. But things have changed a lot. Before, even we were sometimes afraid to order someone to free a home because we used to get threats. Now, whenever someone asks us, we are able to free their homes easily. There has not been a single case in Kurgan Teppe where someone brought a case to the court and was then hurt or threatened.56

While Sharipova claimed that the court's record was a successful one, residents of Khatlon oblast complain that the significant cases are those in which homes have not been returned. One woman, whose home has been occupied for almost two years, told Human Rights Watch/Helsinki, "There is a very powerful Kulabi occupying my house. Even the local officials don't dare to try to make him leave. What kind of system is this if those who are powerful or armed can continue to break the law?"57 This sentiment was echoed over and over by residents of Khatlon oblast, most of whom were visibly frightened just talking to Human Rights Watch/Helsinki representatives about this issue.

Some local officials acknowledge this problem. One local procurator told Human Rights Watch/Helsinki: "Even if there is a legal order to evict someone from a home, if that person has strong connections or is armed, why would he feel that he needed to comply?"58 Most officials, however, said that this was a problem of the past and that fear or intimidation no longer stand in the way of freeing occupied homes. Babajan Babakhanov, the Khatlon oblast procurator, even shifted the burden to the refugees themselves:

Very few of these cases remain in each district. All of these homes will be freed in a matter of time. How long it takes depends on the refugees themselves. The men are not returning, for example, to Kurgan Teppe. As soon as the men return, I am sure all of the homes will be released, because the occupiers are waiting for the "owner" to return before they will return the home.59

Another problem arises when occupiers refuse to leave the premises until a new house is found for them, claiming that their own house was destroyed in the war. In addition, occupiers routinely demand that the returning owner compensate them for changes or "improvements" made to the property. There seems to be no consistent policy on this issue. According to Babakhanov, asking for compensation is not against the law and is a matter to be resolved between the parties. Because occupiers often demand exorbitant compensation in return for "freeing" a home, however, local executive committees in districts such as Kumsangir and Shahrtuz have reportedly sought to introduce an element of fairness into this unfair process by bringing in architects or engineers to provide a fair estimate of the amount that is to be paid. Local officials in Kurgan Teppe have an entirely different position on this question, however. According to both the city procurator and the chair of the city court, the demand for compensation by an illegal occupant is against the law. Nevertheless, numerous local residents of Kurgan Teppe told Human Rights Watch/Helsinki that their cases have reached an impasse because the occupiers are demanding compensation that they are unable to provide. One family complained:

They are demanding one million rubles, because they say that the house had no doors or windows when they moved in. That is not our fault - everything was looted after we fled. But even so, they did not spend one million rubles on that! Where are we supposed to get that much money when we don't even have the money to buy flour? So, we are just living with my sister and waiting."60

Another family whose home in Kurgan Teppe was being occupied told Human Rights Watch/Helsinki that the occupier had demanded one million rubles in "upkeep costs" for a house where no changes or improvements had been made, arguing that the house would have been burned down or looted if he and his family had not moved in and occupied it.61

Rebuilding of Destroyed Homes

Thousands of refugees and internally displaced persons in Khatlon oblast returned to their villages to find that their homes had been either totally or partially destroyed. Indeed, in certain villages, not a single home remains standing. Nevertheless, because the government states that it has no money, the burden of rebuilding has fallen to international organizations such as the UNHCR, Save the Children/USA and Shelter Now International. Due to shortages in building materials, many returnees continue to live in homes that have no roofs, doors or windows.

According to a joint survey carried out in March/April 1993 by the UNHCR and the ICRC, 17,000 homes in Khatlon oblast were damaged or destroyed as a result of the war, while government estimates place the number at 30,060 homes. In the first phase of its program to assist in the rebuilding of destroyed homes, the UNHCR provided building materials for 7,000 homes. The second phase, which ended in January 1995, provided materials for 10,000 additional homes. The third and final phase is expected to end in July 1995. In addition, non-governmental organizations such as Save the Children/USA are working together with the UNHCR and the World Food Program in carrying out a food-for-work project, whereby food is provided to brigades composed of local residents, in exchange for the rebuilding of destroyed villages. In a 1993 agreement with the UNHCR, the Tajik government agreed to take on responsibility for the rebuilding or repair of 1,000 homes in Khatlon oblast, with money provided by the UNHCR. To date, only 700 of these homes have been rebuilt or repaired and it is unclear what has held up the rebuilding project.

Forced Labor

Returnees in Kurgan Teppe and Bokhtar districts told Human Rights Watch/Helsinki that they have been forced to provide unpaid labor62, although this seems to have occurred less frequently since the fall of 1994. Returnees complain that males, including teenagers, are rounded up and forced to work without pay for Kulabis in jobs ranging from picking crops to building a wall or a house. According to a woman from Bokhtar district, who said her recently returned son worked as a forced laborer for three days, "The Kulabis who took him were not from the government, but the authoritiesknow this is going on. Of course, they have no interest in stopping it."63 Another man from Bokhtar told Human Rights Watch/Helsinki:

I worked for a few days picking onions. Some Kulabis just picked me and some other men up on the street. You asked how they "forced" me. They don't have to do anything special, but of course we are too scared to refuse armed Kulabis, even if they are not using their arms at that moment. They just sat and watched us the whole time as we picked the vegetables. The number of days they keep you depends on the kind of work. They let you go whenever they want.64

Discrimination in Employment

Throughout most of Khatlon oblast there was an obvious power shift after the civil war, as fleeing Gharmis and Pamiris were forced to abandon their posts. When they returned to their villages, they found that most, if not all, high level

local government positions, including the local national security committees (former KGB), executive committees (*ispolkom*) and police, as well as managerial positions in factories and kolkhozes, were occupied by Kulabis. Most of the Kulabis had moved to these areas following the war, from the Kulab district of Khatlon oblast. They are often referred to as "new Kulabis." The exception to this trend is found in areas with large ethnic Uzbek populations, such as in Shahrtuz, Kabodian and Jilikul districts, where a large proportion of such posts are occupied by ethnic Uzbeks.

One of the problems associated with reintegration has been the inability of returning Tajiks to regain their former jobs. The government maintains that it places a priority on helping people to find jobs, but argues that it is difficult to give someone back his or her old job when he or she has been gone for more than a year.65 However, returnees allege that officials do not assist them in regaining their old jobs, even if unqualified people currently hold the positions. As a result, most returnees, regardless of their qualifications, have ended up working on kolkhozes. One former factory manager told Human Rights Watch/Helsinki:

After all my education, I am replaced at the factory where I was the head of an entire department. Now I work in the fields. I'm not such a young man anymore, but I have to have a way to get food. I receive no money, but at least the kolkhoz gives us bread and oil and so on, in exchange for the work. What choice have I got? They are all Kulabis in power now. Go to any government office, any factory, even the schools, you'll see it.66

The Khatlon oblast procurator denied the charge that Kulabis have taken over the middle and upper positions in the oblast, stating that the government has made very good progress in giving returnees back their original jobs. He claimed, for example, that 100 percent of those currently employed by the procuracy in Panj district are Gharmis and that two out of fifty employees of the oblast procuracy were returnees.67 Human Rights Watch/Helsinki was unable to confirm this information.

In Bokhtar, Vakhsh and Kurgan Teppe, the fact that male returnees are fearful for their safety and rarely leave their kolkhozes also means that, even if jobs were made available to them, they would not take them. Thus, regardless of their education or employment history, these men are restricted to working on the kolkhoz and do not even attempt to get jobs in the city. Of the 180 employees at the local flour factory, for example, only a handful are Gharmis, and these are mostly elderly men.

Confiscation of Humanitarian Assistance

Relief organizations have complained that armed Kulabi men, who are sometimes government officials or members of the security or police forces, sometimes confiscate humanitarian assistance intended for returnees and internally displaced persons. On July 24, 1994, for example, the government reported to UNICEF that armed men had stolen $20,000 to $25,000 worth of penicillin from the government warehouse that UNICEF had been using to store its medicines. After UNICEF began to investigate, it was informed by the government that the burglars had been apprehended and that the drugs would be returned. By December, however, none of the drugs had been returned. As a result of this incident, UNICEF moved its drugs to a commercial warehouse for which it pays a high monthly rent for storage.68

In another incident, in early October, armed, uniformed men entered the offices of an international organization in Shahrtuz district, demanding gasoline.69 No gasoline was being stored in the office at that time, so the men eventually left. In August, members of a local brigade rebuilding homes as part of the Save the Children/USA program were beaten by local Kulabis and their wheat flour confiscated.

On November 16, armed officials from the Ministry of Internal Affairs entered a warehouse in Khojand, where wheat flour provided by the European Union was being loaded for distribution by German Agro-action, a non-governmental

organization. The officials demanded that the wheat flour be turned over to them. When the staff refused, the officers confiscated over 250 tons of the flour. A formal protest was launched by German Agro-action and the European Community Humanitarian Office (ECHO) in both Dushanbe and Khojand, and the government promised that all of the flour would be returned by December.70

International organizations transporting relief supplies from Dushanbe to Khatlon or Gharm are routinely stopped at government checkpoints and ordered to surrender goods or gasoline to the police or security forces manning the posts. Most organizations refuse to surrender goods and, as a result, lose a great deal of time at checkpoints. Most also report that goods tend to disappear when their vehicle or convoy is stopped and negotiations are being carried out with forces at the checkpoint. Moreover, when international staff are not present in the vehicle, failure to comply with demands that goods be surrendered can put local staff at risk, as illustrated by the case of the UNHCR drivers beaten on November 25, 1994 (see above). More commonly, organizations that refuse to surrender humanitarian assistance or gasoline are fined for "improper documentation" or a traffic violation.

When questioned about the lack of law and order at checkpoints, the minister of security of the Republic of Tajikistan responded that the government is "aware and ashamed of this problem." He added that he personally has "reprimanded security forces and police at checkpoints and told them they must respect people. We have a problem inTajikistan because no one receives salaries - we need time to train the forces at the checkpoints and punish these people."71

UZBEK-TAJIK TENSIONS

An area of increasing concern is the mounting tension between Uzbeks and Tajiks living in Tajikistan. Following the war, Uzbeks, who are now believed to constitute over 25 percent of Tajikistan's population, managed to retain power in certain districts of Khatlon that have large Uzbek populations, including Shahrtuz, Jilikul and Kabodian. In addition, many Uzbeks live in districts such as Panj, on the Afghan border, where the population is approximately 28 percent Uzbek72.

Thousands of Uzbeks and Kulabis were forced to flee their villages during the civil war in the summer of 1992. Following the Uzbek-assisted Kulabi victory, however, Gharmis and Pamiris fled, while Kulabis and Uzbeks returned to their villages. Each group feels that it has been wronged by the other; one Uzbek man told Human Rights Watch/Helsinki:

When we fled out of fear for our lives, we came back to find that [the Gharmis] had looted our homes. We didn't ask for anything back; we simply rebuilt our homes on our own. But then, when we looted their homes, they demanded that we give everything back.73

A Gharmi returnee in Kabodian told us, "When we came back from Afghanistan, the Uzbeks had looted and burned all of our homes. You ask about occupied homes, but there are none here; they were all destroyed."74

With the passage of time, former alliances have shifted somewhat. Uzbeks in Panj told Human Rights Watch/Helsinki that they had expected to be rewarded for their support of the Kulabis during the war by receiving positions of authority in the local government. Instead, Uzbeks found themselves shut out of the local government, which is dominated by Kulabis. As a result, Uzbeks commonly cite a new alliance between Tajik returnees and their former Kulabi enemies, which they believe is aimed at driving Uzbeks out of Tajikistan.

At the same time, Tajik returnees living in areas where the population is predominantly Uzbek complain of being discriminated against by Uzbeks. Their main grievance is their inability to regain their land and farm equipment, which they claim Uzbeks took over when the Tajiks fled. Repeatedly, returnees said that they felt that the Uzbeks wanted to

make their lives difficult so that they would be forced to leave again. In the words of one Gharmi man, "We were brought here forcibly from Gharm in the 1950s [by Stalin], to work in the cotton fields. Our children were born here. Now the Uzbeks say that we should return to Gharm."75

Uzbek Attacks Against Tajik Returnees

In Shahrtuz and Jilikul, tensions between Uzbeks and Tajiks have remained below the surface. On woman told Human Rights Watch/Helsinki, "Everything is calm between Tajiks and Uzbeks here. The Uzbeks are definitely in charge, but they bother us less than the Kulabis."76 In neighboring Kabodian, however, two serious clashes took place between Tajik returnees and Uzbeks in 1994. On February 20, 1994, a committee representing returnees from Socialism, a Tajik village in the predominantly Uzbek Kolkhoz Communism, presented a series of complaints to the Supreme Soviet in Dushanbe, including the inability of returnees to get back their land, farm equipment and former managerial positions on the kolkhoz. Similar protests were subsequently mounted before the local executive committee on February 25 and 26. In the midst of the protesting crowds, an Uzbek man was shot by an unknown assailant. At 10 p.m., a crowd of close to one hundred Uzbeks armed with guns, shovels and sticks, attacked the Tajik village. At least thirty people were beaten and injured and seven had to be hospitalized. In addition, many houses were stoned and burned. One man described the following scene:

The mob broke down the door of our house. They had come specially to get my father because he had lead the kolkhoz protest. They hit me and my father with pieces of wood that had nails in them. Then another group stormed in; they hit my leg with an axe. They poured kerosene on our house and burned it. We had to rebuild the whole thing for the second time - it had already been destroyed once during the war. I spent three weeks recovering in the hospital, and my father was there for three months.77

Local authorities, many of whom are of Arab origin78, reacted promptly by sending policemen to control the crowds and stationing them there for several days following the incident. A meeting was called the following day, at which representatives of the returnees and the Uzbeks, as well as influential local leaders from the procuracy, police and executive committee were present. A few days later, leaders from Khatlon oblast convened another meeting, assuring the returnees that their land would be returned and that they would get their jobs back. According to residents, these interventions prevented the problem from getting worse, but did not resolve the underlying issues. As a result, tensions between Tajiks and Uzbeks in the kolkhoz still run high.

A similar incident took place at Kolkhoz Pakhtokor in Kabodian on July 26, 1994. A crowd of 200 to 300 Uzbeks reportedly attacked returnees in the Tajik village of Komsomol, located in the predominantly Uzbek kolkhoz. Seventeen people were beaten before the police could be alerted; local authorities then stationed police in the village for a week following the incident. Once again, a series of meetings were held during the next few days for Tajik and Uzbek residents of the kolkhoz, as well as local and oblast leaders. According to an elderly resident who spent eight days recovering in the hospital after being attacked when he attempted to stop the mob, "They were screaming that we should leave this area. The kolkhoz authorities, who are all Uzbek, did nothing to stop the violence. If the police had not been brought in, the Uzbeks would have killed people." Another resident, who was also badly beaten said:

[The Uzbeks] had planned this attack after what happened at Kolkhoz Communism. You can hold all kinds of meetings, but when you don't solve the real problems and address the people's complaints, nothing changes. People are still scared and feel they are being treated unjustly. The Uzbeks are doing this in order to make the Tajiks leave.79

The deputy chief of the kolkhoz had a slightly different interpretation, however, claiming that "the incident was started by the Tajiks, and people on both sides were injured. But people came from the oblast level to encourage peacemaking, and now there are no problems here between Tajiks and Uzbeks."80

Although Arab and Kulabi local authorities were responsive to these incidents, their Uzbek colleagues (including kolkhoz leaders) reportedly failed to back their efforts. This indicates the propensity of local authorities either to tolerate or encourage illegal actions through their own inaction, usually based on regional or ethnic grounds.

Government Attacks Against Uzbeks

Uzbek-Tajik tensions of a different nature were evident in Panj district, where Uzbeks are in the minority. As discussed above, the government embarked on a policy of disarming civilians in June 1992. Although Human Rights Watch/Helsinki is not opposed to non-discriminatory disarmament of illegally armed civilians, disarmament carried out in a discriminatory manner, particularly in the context of ethnic tensions, can contribute to instability and violence. In Panj district, the government not only disarmed the population in a discriminatory fashion, but it also committed serious human rights violations in the process.

Tensions between Kulabis and Uzbeks in Panj erupted in early April 1994, following three separate murders of Uzbeks by unknown assailants. Responding to what they considered to be insufficient governmental investigation of the cases and generally inadequate security, the Uzbek community protested to local authorities on April 8, and demanded that the Uzbeks hold higher positions in the local government. Several days later, the ministry of internal affairs of Tajikistan dispatched special forces, consisting of 400 to 500 troops, to Panj, in order to disarm the local population.

According to Rahman Cholov, commander of the special forces in Panj, 80 percent of the arms collected by the special forces in Panj were turned in voluntarily, and the remainder were confiscated during searches of homes of suspects.[81] Testimony from residents of Panj indicates that the special forces routinely violated criminal procedure during the course of disarmament. A representative of Kolkhoz Pogranichnyi, a predominantly Uzbek kolkhoz, described how disarmament had proceeded:

When the special forces arrived in Panj, they asked people to give up their arms voluntarily. Then they arrived the next day anyway, with armed personnel carriers, and did house-to-house searches. They didn't have any warrants - just lists of people who had been "fighters" - but they didn't find anything during their searches. They beat up around ten people, and fifty people from our kolkhoz have fled the region since.[82]

Many Uzbeks in Panj also told Human Rights Watch/Helsinki that they had been illegally detained for more than twenty-four hours in the headquarters of the special forces, rather than at the regional police, as required. Some were detained for a few days and then released, often after family members pleaded with the commander of the battalion. Others, however, were detained for longer periods and permitted only sporadic family visits. Many of these detainees were beaten, at times severely, while in detention. A young man with bruises on his body, indicating that he had recently been beaten, described the incident to Human Rights Watch/Helsinki:

The special forces found arms when they searched my house. They took me to their headquarters and beat me. They wanted information about other people who had arms and I told them I didn't know, butthey beat me anyway. I was released after two days. They only come to disarm the Uzbeks; they leave the Tajiks alone.[83]

In other cases, individuals who had no arms reported that they were beaten or threatened anyway, in an effort to get them to confess that they did have arms. One young man told Human Rights Watch/Helsinki:

They came to my house and didn't even introduce themselves, or say what they were looking for. They asked if I had killed any "Tajiks" during the war. Of course we were against the opposition during the war, but we had fought alongside Kulabis, who are Tajiks themselves. They beat me and asked me to tell them who has arms and where the "fighters" live.[84]

These actions by the special forces violate both Tajik and international law. While individuals found to have broken Tajik law by failing voluntarily to turn in illegal weapons should be prosecuted in accordance with Article 234 of the Criminal Code, illegal detentions, beatings and threats aimed at extracting information are impermissible. Moreover, the failure by law enforcement officials to obtain warrants violates Article 168 of the Tajik Code of Criminal Procedure. The behavior of the special forces *vis-a-vis* the population also violates international standards limiting the use of force by law enforcement officials to certain narrowly-defined circumstances.85

Disarmament in Panj was clearly directed at Uzbeks. According to the deputy chairman of the village council of Kolkhoz Kalinin, a predominantly Tajik kolkhoz, no house-to-house searches were carried out there. He knew of only two Kalinin residents who were taken to the headquarters of the special forces and interrogated; both were Uzbek.86 Neither Tajik nor Uzbek residents of Panj with whom Human Rights Watch/Helsinki spoke knew of any cases where Tajiks had been harassed, beaten or detained by the special forces, either in the course of disarmament or in an effort to obtain information about other suspects.

When asked by Human Rights Watch/Helsinki why Uzbeks in Panj were suddenly being targeted by their former allies, Uzbeks uniformly responded that the Tajiks who had previously been enemies (i.e. Kulabis and Gharmis), were now uniting in an effort to push Uzbeks out of Tajikistan. Most Uzbeks believe that this policy was triggered when the ethnic Uzbek community presented its demands and asserted its rights in April 1994 (see above), which had left the Kulabis feeling threatened.

The chief of the committee on security of Panj explained to Human Rights Watch/Helsinki that "the government has already disarmed the opposition, so now the rest of the population has to be disarmed." However, he denied allegations that the Uzbek community was being specifically targeted in these operations.87 Nevertheless, special disarmament troopshave never been sent to pro-government districts such as Kulab, despite evidence that the civilian population there is heavily armed.88

TAWILDARA

In July 1994, the opposition launched an attack in the Tawildara district, approximately 200 kilometers southeast of Dushanbe. The fighting during the following weeks was reported to have been the most serious to have taken place in Tajikistan since the civil war. Tawildara fell to the opposition on September 8, but was re-taken by the government soon thereafter, and massive destruction occurred during the course of the fighting. Residents of the region told Human Rights Watch/Helsinki that, in the weeks that followed, government soldiers systematically looted their homes and forcibly took food, lodging and clothes from the area's residents, prompting hundreds of residents to flee. When questioned about the behavior of opposition soldiers, most residents said that they had behaved well and had not engaged in looting; some, however, refused to answer the question.

Creation of a New Problem of Internal Displacement

One of the consequences of the fighting in Tawildara was the displacement of thousands of the district's residents. Some of those who fled Tawildara went to Dushanbe and Khatlon, while others walked in the mountains for up to five days and nights before arriving in the Kalai Khum, Vanj and Darvaz districts of Gorno Badakhshan. Some reportedly lost their way and died en route. By late September, approximately 3,500 persons had reportedly been forced to flee the region of combat.89 Due to the emergency situation, the UNHCR provided exceptional assistance to internally displaced persons fleeing to the Kalai Khum area, arranged for temporary accommodation in public buildings, schools and mosques, and provided food and blankets. By the end of August 1994, the UNHCR reported that more than fifty internally displaced persons were arriving in Kalai Khum every day.

Those who fled reported that heavily armed members of the Tajik National Army and members of the "Faizali Saidov" troops90, under the command of the ministry of internal affairs, set up bases and surrounded the villages of Tawildara in early August, while the opposition was located in the nearby mountains. The fighting caused the complete destruction of fifty-five homes in the region and more than one thousand others were damaged or looted by government soldiers (see below).91 The fighting also caused significant damage to bridges, electric lines and transformers. In addition, scores of civilians caught in the fighting were either killed or wounded.92

While at least some of the burning and destruction was the result of fighting, residents alleged that much of the damage was intentional and aimed at forcing civilians to flee, to prevent them from rendering assistance to the opposition. One after another, residents of the region described to Human Rights Watch/Helsinki how government soldiers had thoroughly looted their homes and winter food stockpiles and burned their crops. A resident of the village of Arghandkultold Human Rights Watch/Helsinki, "We fled across the valley but we could see what was happening. Some houses were on fire and others were being looted. In our village, nine homes [out of forty] were completely destroyed - the other homes were damaged or looted. When we came back, there was nothing left."93

The situation in Tawildara had stabilized by mid-September, when government forces regained complete control of the area. Even after the fighting had ended, however, residents continued to flee the region. A representative of Medecins sans Frontières/France told Human Rights Watch that, even in early October, at least three to four new people arrived in Kalai Khum every day. Once the combat was over, the civilian population remaining in Tawildara found itself under a pressure of different nature, from the army. Due to the shortage of funds in the army, the local population was being pressured to provide lodging, food and even medicines to the government soldiers, although many families barely had the means to feed themselves.

Another woman from Arghandkul village told Human Rights Watch/Helsinki,

We fled because of the soldiers. We survived the fighting but had almost nothing left. Still, the soldiers took whatever we had: they looted our homes, took our food and even our clothes. The soldiers who are here now do not bother us so much; they still ask for food but they know that we have nothing at all to give them.94

Others complained about the hardships involved in living in the remote region, which has received virtually no assistance from the government during the past year.95 Even when it began to snow in December, most children had few clothes and were walking about barefoot. A man from *Sovkhoz* Vatan told Human Rights Watch/Helsinki, "The only way we have to survive is by selling apples. But we have no gasoline or vehicles to transport the apples to Dushanbe. Even when we do, they are confiscated from us by the soldiers at the checkpoints, and it is not worth while to make the trip."96

By mid-November, all but 250 of the internally displaced persons located in the Kalai Khum area had left.97 However, due to the soldiers' conduct, the damage in the region and the lack of food and clothing, most fled Tawildara again almost immediately after returning, this time heading for Dushanbe. On a visit to the region in early December, Human Rights Watch/Helsinki encountered numerous families waiting, with their belongings, for transportation to Dushanbe.

Harassment of Returnees and Internally Displaced Persons

As the fighting in Tawildara intensified in August and early September, the government reinforced its troops by rounding up young, untrained men and sending them to fight in the area. Although the exact death toll is not known, very heavy casualties were reportedly incurred on both sides during the fighting.

The sight of dead bodies being brought back to Dushanbe and Khatlon oblast rekindled some of the tensions of the civil

war. In the Kurgan Teppe area, in particular, Gharmi returnees told of repeated threats by Kulabi's that "for each of our brothers [fighting in the army] who is killed, we'll kill one of you."98 It was also reported that members of the "Faizali Saidov" troops were stirring up "anti-Gharmi" sentiment among the population, and threatening that women and children in Khatlon oblast would be killed if there were any more casualties. While Human Rights Watch/Helsinki did not learn of any incidents in which such threats were carried out, they caused considerable fear and panic among the returnee population in Khatlon oblast.

AFGHAN REFUGEES IN TAJIKISTAN

The Afghan community in Tajikistan, located primarily in Dushanbe, consists of approximately 3,000 people, most of whom fled Afghanistan after the fall of the communist regime in 1992. In July 1994 the Supreme Soviet of Tajikistan passed a national refugee law, thereby recognizing, for the first time, the refugee status of individuals who had fled to Tajikistan. Prior to that date, only the UNHCR had extended refugee status and assistance to refugees who qualified under the 1951 United Nations Convention Relating to the Status of Refugees.99 This assistance was initially financial in nature, but has since evolved into assistance in the development of income-generating projects. By December 1994, the UNHCR had extended refugee status to nearly 600 Afghans in Tajikistan.

Afghans told Human Rights Watch/Helsinki that they were constant targets of violent attacks, disappearances and harassment by Tajiks during 1993. While the frequency of such incidents declined significantly in 1994, there is still considerable fear among the community. According to Afghans, one of the primary reasons they are targeted is that Afghanistan is considered to be a key supporter of the Tajik opposition and thus, responsible for the instability and warfare that prevail in Tajikistan. As a result, attacks against Afghans living in Tajikistan tend to increase whenever there are serious clashes along the Tajik-Afghan border. There is also resentment on the part of Tajiks, based on the belief that all Afghans in Tajikistan are successful businessmen and that the community is, therefore, uniformly wealthy. As a result, most Afghans report that they do not speak their native Dari in public, since their accents give away their origin. Women are frightened to leave their homes alone, and some do not send their children to local schools.

Afghans are aware that they are perceived as being too frightened to report attacks against them. This, combined with the belief that crimes against them would not be adequately investigated by the authorities anyway, leads the Afghan community to fear that it will continue to be the target of harassment and violence.

The primary problem appears to be a failure by the authorities to investigate cases of harassment of Afghans. When a committee representing Afghan refugees complained to the foreign ministry, they were told: "We can't even protect our own citizens; how do you expect us to guarantee the safety of Afghans or assume responsibility for them?" The official then suggested that Afghans return "home" if they had safety concerns in Tajikistan.100 According to the United Nations Convention Relating to the Status of Refugees, which Tajikistan ratified on December 7, 1993. Tajikistan has an obligation to protect refugees on its territory. The comment of the foreign ministry official amounts to a veiled threat of expulsion or return to a state where they would be at risk (*refoulement*), prohibited by Article 33.101

The brutal murder of a young Afghan woman on July 11, 1994, caused an acute wave of fear in the Afghan community. The woman was killed during the course of a robbery by armed, masked men. Police response in this case was prompt and satisfactory, encouraged by pressure from the UNHCR. More common, however, are incidents where Afghans are repeatedly followed, beaten and harassed. For example, a twenty-six-year-old man reported:

I was in the bazaar with my wife, and we were followed by twelve Tajik men. I told my wife to run away. The men started to beat me up. A policeman nearby stopped the men, but then let them go. The next day they found me and followed me again, taunting me and threatening to kill me. It's not the first time; it has happened to me many times

before.102

Another man was grabbed in the street on February 11, 1994, by men in civilian clothes who had overheard him speaking and asked if he was Afghan. He reported to Human Rights Watch/Helsinki that:

They asked me to show my passport and said that I had to go the ministry of internal affairs with them. They forced me into their car and drove off. They beat me until I lost consciousness, and took my passport and money. I reported the incident to the ministry of internal affairs and the police. They listened sympathetically but did nothing - they didn't investigate the case at all. They just gave me a document so that I could get a new passport from the Afghan consulate.103

Afghans married to Tajiks also face problems and threats. One young man reported:

We had just moved into a new house. Then, five or six Tajik men living nearby began threatening my wife, who is Tajik. They kept asking her why she had married an Afghan and threatened to kill us if we didn't move. We moved in with my in-laws because we were afraid.104

* * *

Human Rights Watch/Helsinki

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1 International Monetary Fund, *Economic Review: Tajikistan*, November 1994, p. 1. The IMF estimated the total population at the end of 1991 at 5.5 million.

2 An autonomous oblast is a territorial administrative unit inherited from the Soviet era.

3 See footnote 75, below.

4 According to the Uzbek Society of Tajikistan, ethnic Uzbeks constitute nearly 25 percent of the population of Tajikistan.

5 The Department of Refugee Affairs of the Ministry of Labor of Tajikistan estimates that 133,000 Kulabis and Uzbeks fled the region during the summer of 1992.

6 See Human Rights Watch/Helsinki Press Release, "Tajik Elections Conducted in Climate of Fear and Fraud," November 9, 1994.

7 5 It should be noted that the government of Tajikistan's estimates regarding refugees are usually based on statistics compiled by the UNHCR.

8 The opposition estimates that at least 800,000 refugees have fled to the CIS from Tajikistan. Human Rights Watch/Helsinki interview with Habib Sanginov, director of the *Umed* (Hope) Foundation, Moscow, January 8, 1994. The *Umed* foundation deals with refugee issues and represents the opposition in the Joint Refugee Commission (see below).

9 In Russia, the Federal Migration Service has registered more than 140,000 individuals from Tajikistan since June 1992. However, its records do not take into account refugees who may have left Russia following registration. Human Rights Watch/Helsinki interview with Vadim Viyalkishyev, Federal Migration Service of the Russian Federation, July 28, 1994. This figure does not take into account refugees who may have left Russia subsequent to registration.

Teymour Tabarov, deputy director of the department of refugee affairs of the ministry of labor of Tajikistan,, told Human Rights Watch/Helsinki on November 17, 1994, that official Russian Federation figures, only 5,141 of the 140,000 or so refugees who have fled Tajikistan and registered in Russia are ethnic Tajiks. This follows a general trend throughout the Central Asian republics of the former Soviet Union, from which ethnic Russians, Jews and other non-Central Asian minorities are fleeing, fearing economic uncertainty or being an alien in a new nation-state.

10 The UNHCR currently has no access to Kunduz but it assists in the repatriation of these refugees to Tajikistan once they arrive in the Afghan port of Sher Khan Bandar.

11 Human Rights Watch/Helsinki interview, Dushanbe, December 1994.

12 Human Rights Watch/Helsinki interview with Habib Sanginov, Director of the *Umed* Foundation, Moscow, January 7, 1994.

13 According to the UNHCR, 4,000 of these internally displaced persons do not wish to leave Gorno Badakhshan.

14 The opposition has been unable to keep records of the number of internally displaced persons, but estimates that 200,000 remain in Gorno Badakhshan.

15 The UNHCR has also expanded its mandate to cover internally displaced persons and other individuals in "refugee-like situations" in countries such as Guatemala, Haiti and Cuba.

16 Human Rights Watch/Helsinki interview in a refugee transit center in Nijni-Pianj, June 29, 1994.

17 Ibid. The Tajik refugees killed in such attacks were not targeted, but were innocent victims of the violence in Afghanistan.

18 Repatriation from Sher Khan Bandar resumed on October 4, 1994.

19 Others factors have occasionally led to the closing of the border to repatriation. During the summer of 1993, for example, an outbreak of cholera among Tajik refugees in Afghanistan prompted Uzbek authorities to seal off the border.

20 Human Rights Watch/Helsinki interview in a refugee transit center in Shahrtuz, June 29, 1994.

21 Human Rights Watch/Helsinki interviews with the UNHCR in Dushanbe, July 4, 1994, and December 3, 1994.

22 Human Rights Watch/Helsinki interviews at Kolkhoz Communism in Bokhtar district, November 6, 1994.

23 Human Rights Watch/Helsinki interview in Bokhtar district, October 26, 1994.

24 Each kolkhoz is divided into several small villages, each referred to as an *uchastka* or *ghishlogh*.

25 Human Rights Watch/Helsinki interview at Kolkhoz Faizali Saidov, June 14.

26 Human Rights Watch/Helsinki interview at Kolkhoz Faizali Saidov, village Dusti, November 2, 1994.

27 Public prosecutor.

28 Human Rights Watch/Helsinki interview with Babajan Babakhanov, chief procurator of Khatlon oblast, November 2, 1994.

29 Human Rights Watch/Helsinki interview in Vakhsh district, June 13, 1994.

30 Human Rights Watch/Helsinki interview in Bokhtar district, September 22, 1994.

31 Human Rights Watch/Helsinki interview in Vakhsh district, June 13, 1994.

32 Human Rights Watch/Helsinki interview with international staff member of an NGO operating in Khatlon oblast, December 1994.

33 Many of these groups were connected to the Popular Front, founded during the civil war by Sangak Safarov, a leading pro-government figure who had previously spent twenty-three years in

prison for murder. The Popular Front was instrumental in fighting the opposition and eventually ousting it from power.

34 Human Rights Watch/Helsinki interview with the UNHCR, May 3, 1994.

35 Human Rights Watch/Helsinki interview with the UNHCR, May 3, 1994.

36 Human Rights Watch/Helsinki interview with Babajan Babakhanov, chief procurator of Khatlon oblast, November 2, 1994.

37 This refers to the ongoing hostilities along the Tajik-Afghan border, between members of the armed opposition operating from northern Afghanistan, and Tajik and Russian border guards in Tajikistan.

38 *Ibid*.

39 Human Rights Watch/Helsinki interview with head of delegation of Medecins sans Frontières/ Belgium, Dushanbe, April 27, 1994.

40 In May 1994, several months after the murder, the government of Tajikistan sent a letter to Medecins sans Frontières/ Belgium and the United States Embassy outlining followup steps it had taken in this case. None of these steps had yielded any results.

41 Human Rights Watch/Helsinki interview with the UNHCR in Dushanbe, May 2, 1994.

42 The first such decree was issued on June 24, 1992, under President Nabiev. Beginning on December 18, 1992, the new government of Emomali Rahmonov also issued a series of disarmament decrees.

43 See, e.g., Article I, Decree of the Presidium of the Supreme Soviet of the Republic of Tajikistan on the Voluntary Surrender and Confiscation of Fire-arms and Ammunition, December 18, 1992.

44 See, e.g., Article IV, Decree of the Supreme Soviet of Tajikistan, December 18, 1992.

45 Human Rights Watch/Helsinki interview in Ovoul, September 13, 1994.

46 Human Rights Watch/Helsinki interview with Amirghol Azimov, deputy minister of internal affairs, on August 30, 1994. An investigation into Dashtov's death was opened by the procuracy of the city of Dushanbe on August 29, 1994, but had not yet been concluded as of January 1995.

47 Human Rights Watch/Helsinki interview with the victim on September 10, 1994.

48 At the April 1993 official exchange rate of 600 rubles to one U.S. dollar, this was the equivalent of $500 per family. By December 1993, the official exchange rate had dropped to 1200 rubles to the dollar.

49 At the April 1993 official exchange rate, this was the equivalent of U.S. $33 per family.

50 Human Rights Watch/Helsinki interview with Hemat Davlatov, deputy minister of labor and director of the department of refugee affairs of the ministry of labor, December 6, 1994.

51 Human Rights Watch/Helsinki interview with Teymour Tabarov, deputy director of the department of refugee affairs of the ministry of labor, June 24, 1994.

52 According to the government, 5,885 of the occupied homes were located in Kurgan Teppe city and in Bokhtar district, and 2,328 of those homes are still being occupied. Human Rights Watch/Helsinki interview with Teymour Tabarov, deputy director of the department of refugee affairs of the ministry of labor, November 17, 1994.

53 Human Rights Watch/Helsinki interview with Babajan Babakhanov, procurator of Khatlon oblast, November 2, 1994.

International organizations agree that the problem of illegal occupation of homes is most serious in Kurgan Teppe city and in Bokhtar and Vakhsh districts.

54 Decree of the Presidium of the Supreme Soviet of the Republic of Tajikistan on the Adoption of Supplementary Measures on Citizens' Rights Concerning the Sanctity of the Home, April 7, 1994.

55 Human Rights Watch/Helsinki interview in Kurgan Teppe city, October 26, 1994.

56 Human Rights Watch/Helsinki interview with Lidia Sultanovna Sharipova, chair of the city court of Kurgan Teppe, October 26, 1994.

57 Human Rights Watch/Helsinki interview in Kurgan Teppe city, October 26, 1994.

58 Human Rights Watch/Helsinki interview in Kurgan Teppe city, May 5, 1994.

59 Human Rights Watch/Helsinki interview with Babajan Babakhanov, chief procurator of the Khatlon oblast, Kurgan Teppe city, November 2, 1994.

60 Human Rights Watch/Helsinki interview in Kurgan Teppe city, October 26, 1994.

61 Human Rights Watch/Helsinki interview in Kurgan Teppe city, October 26, 1994.

62 In addition to clear-cut cases of forced labor, there are several categories of unpaid labor in Tajikistan. During the cotton harvest (August to November), for example, residents of Khatlon oblast are required by local government officials to work, without pay, in the cotton fields. The overwhelming majority of these workers are returnees. Throughout this period, special checkpoints are set up in Khatlon oblast to ensure that residents do not escape these duties. University students from other areas, such as Dushanbe, are also brought to Khatlon oblast every year for twenty-five to thirty days at a time to work in the cotton fields without compensation. Students have been required to participate in the cotton harvest as a form of "community service" since the days of communist rule. It should be noted that cotton is the primary revenue-earning crop in Tajikistan.

A second category of unpaid labor has grown out of the fact that, throughout Tajikistan, employees have received their salaries sporadically, at best, since January 1994. This includes the work force of the kolkhozes, consisting predominantly of returnees. In many cases, these returnees live in homes that are owned by the kolkhoz and are obliged to work on the farm in order to continue living in their homes. Since few returnees have been able to regain their previous positions on the kolkhozes (see below), they are left with no option but to work in the fields. Even in cases where returnees actually own their homes on a kolkhoz, however, they can uniformly be seen working in the fields without receiving financial remuneration. These returnees, including many elderly people, claim that they are not being forced to work but are doing so voluntarily "in order to pass the time." In addition, they occasionally receive food products such as bread, in exchange for their work, from the kolkhoz management. However, as a result of the severe economic crisis and food shortages in the country, such distribution of food products has become increasingly rare.

63 Human Rights Watch/Helsinki interview in Bokhtar district, June 14, 1994.

64 Human Rights Watch/Helsinki interview in Bokhtar district, June 14, 1994.

65 Human Rights Watch/Helsinki interview with Teymour Tabarov, deputy director of the department of refugee affairs of the ministry of labor, June 24, 1994.

66 Human Rights Watch/Helsinki interview at Kolkhoz Haghighat in Bokhtar district, June 6, 1994.

67 Human Rights Watch/Helsinki interview with Babajan Babakhanov, chief procurator of Khatlon oblast, November 2, 1994.

68 Human Rights Watch/Helsinki interviews with UNICEF delegates in Dushanbe on August 1, 1994 and December 5, 1994.

69 Human Rights Watch/Helsinki interview with representative of Save the Children/USA in Dushanbe on October 11, 1994.

70 The stolen flour was returned in January 1995, according to an ECHO representative.

71 Human Rights Watch/Helsinki interview with Saidamir Zohurov, minister of security of the Republic of Tajikistan, October 27, 1994.

72 Figures cited by Qurban Sattarov, Head of the Uzbek Society of Tajikistan.

73 Human Rights Watch/Helsinki interview at Kolkhoz Pyatdisiyat Lyet in Panj district, June 17, 1994.

74 Human Rights Watch/Helsinki interview in Kabodian district, September 21, 1994.

75 Human Rights Watch/Helsinki interview at Kolkhoz Pakhtokor, Kabodian district, September 21, 1994.

76 Human Rights Watch/Helsinki interview in Shahrtuz district, September 21, 1994.

77 Human Rights Watch/Helsinki interview in Kabodian district, September 21, 1994.

78 The Arab community settled in the Kabodian area during the 17th century.

79 Human Rights Watch/Helsinki interview in Kabodian district, September 21, 1994.

80 Human Rights Watch/Helsinki interview with Mamadmirzoev Abdelghani, deputy chief of Kolkhoz Pakhtokor, September 21, 1994.

81 Human Rights Watch/Helsinki interview in Panj district, June 16, 1994.

82 Human Rights Watch/Helsinki interview at Kolkhoz Pogranichnyi, June 17, 1994.

83 Human Rights Watch/Helsinki interview at Kolkhoz Pogranichnyi, May 25, 1994.

84 Human Rights Watch/Helsinki interview at Kolkhoz Pyatdisiyat Lyet, June 17, 1994.

85 See Article 3, Code of Conduct for Law Enforcement Officials, adopted by the United Nations General Assembly on December 17, 1979, and Article 4, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August - 7 September, 1990.

86 Human Rights Watch/Helsinki interview with Imamnazir Ibragimov, deputy chairman of the village council of Kolkhoz Kalinin in Panj district, June 16, 1994.

87 Human Rights Watch/Helsinki interview in Panj district, May 5, 1994.

88 Human Rights Watch/Helsinki interview with Jomakhan Hatami, deputy chief of press and protocol, ministry of internal affairs of the Republic of Tajikistan, July 1, 1994.

89 Of these, approximately 1,500 fled to Dushanbe and Khatlon oblast and 2,000 to Kalai Khum. Human Rights Watch/Helsinki interview with Saidamir Safarov, deputy head of the executive committee of Tawildara district, December 2, 1994.

90 Named after a leader of the Popular Front.

91 *Ibid*.

92 Human Rights Watch/Helsinki interviews with residents of Tawildara district on December 1 and December 2, 1994, and interviews with representatives of the UNHCR and other international organizations in October and November 1994.

93 Human Rights Watch/Helsinki interview, Arghandkul village, Tawildara district, December 1, 1994.

94 Human Rights Watch/Helsinki interview in Tawildara district, December 1, 1994.

95 From January to September 1994, the government made available only 300 tons of flour for sale to the district's 16,000 residents. Another eighty tons were provided on September 6, and five tons were provided in late November. Human Rights Watch/Helsinki interview with Saidamir Safarov, deputy head of the executive committee of Tawildara district.

96 Human Rights Watch/Helsinki interview in *Sovkhoz* Vatan, December 1, 1994.

97 Human Rights Watch/Helsinki interview with the UNHCR, November 11, 1994.

98 Human Rights Watch/Helsinki interview at Kolkhoz Sangak Safarov, village Arjenikidse, September 22, 1994.

99 The UNHCR began working with Afghan refugees in Tajikistan in January 1993.

100 Human Rights Watch/Helsinki interview with members of the Afghan Refugee Committee in Dushanbe, April 19, 1994.

101 United Nations Convention Relating to the Status of Refugees, adopted on July 28, 1951.

102 Human Rights Watch/Helsinki interview in Dushanbe, April 21, 1994.

103 Human Rights Watch/Helsinki interview in Dushanbe, April 21, 1994.

104 Human Rights Watch/Helsinki interview in Dushanbe, April 19, 1994.